

Serial No. 10/071,516
Attorney Docket No. 87154239.000002

REMARKS

Reconsideration of the application is respectfully requested. Claims 15-16 and 18-19 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,941,253 issued to Kaizuka ("Kaizuka"). The office action also rejects claims 17, 20 and 28 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kaizuka.

In this reply, claims 1-14 and 21-27 have been canceled without prejudice and disclaimer of subject matter recited therein, and new claims 29-31 are added for consideration. Now, claims 15-20 and 28-31 are pending in the application.

Claim 15 is amended to recite that "a body of the cylindrical shell is integrally composed of a blended material of thermo-resistant material and ion-powders." Kaizuka's surface treated electric iron fails to disclose, suggest, or teach a hair curling roller as defined in amended claim 15. A coating layer similar to that disclosed by Kaizuka would result in undesirable effects such as peeling of the coating layer. In contrast, claim 15 recites that "a body of the cylindrical shell is integrally composed of a blended material of thermo-resistant material and ion-powders." Accordingly, withdrawal of the rejection is respectfully requested. Claims 16-19 depend from claim 15, and accordingly, the same arguments apply to these dependent claims.

With respect to claim 20, Kaizuka does not teach or suggest every element recited in claim 20. For instance, Kaizuka does not suggest "a plurality of projections disposed on an outer surface of the cylindrical shell" as recited in claim 20. Contrary to the statement of the office action that "Kaizuka's curling roller would perform equally well with the plurality of projections on an outer surface of the cylindrical shell," Kaizuka's curling roller, in fact, would not work as intended if it were to have the plurality of projections on the surface of its rod. For instance, Kaizuka in Col. 2, lines 46-47 teaches that it functions by having "hair pinched with the rod (2)

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and the glove (4), and can be curled. . .” If Kaizuka’s curling roller were to have the plurality of projections, it would not close flush with the glove, and therefore would not pinch the hair so as to curl it. Thus, Kaizuka’s curling roller would not work as intended if modified in the manner disclosed in the claim. MPEP §2143.01 is clear that “if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” (citing, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

With respect to claim 28 dependent upon claim 20, the same arguments apply. Additionally, claim 28 has been amended to recite that “the projections are integrally made of a blended material of thermo-resistant material and ion-powders.” Kaizuka neither teaches nor suggest the formation of projections integrally made of a blended material of thermo-resistant material and ion-powders.

For at least the foregoing reasons, it is submitted that the obviousness rejections to claims 20 and 28 as being unpatentable over Kaizuka has been overcome. Withdrawal of the obviousness rejections thus is respectfully requested.

In addition, new claims 29-31 are presented for consideration and Applicant believes that no new matter is added in this amendment. For at least the reasons discussed above, Applicant submits that Kaizuka neither anticipates nor renders obvious any of the pending claims. Accordingly, allowance of the application is respectfully requested.

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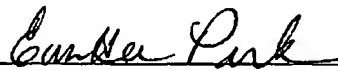
If Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, Examiner is invited to call the undersigned.

The Commissioner is authorized to deduct any fees associated with this reply from Deposit Account 02-0393.

Respectfully submitted,

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